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IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.  
13

YAN CHEN,

14 Defendant.  
15

CASE NO. 2:23-cr-00069 JAM

**STIPULATION REGARDING CONTINUANCE  
OF SENTENCING; FINDINGS AND ORDER**

DATE: January 23, 2024

TIME: 9:00 a.m.

COURT: Hon. John A. Mendez

16 **STIPULATION**

17 Plaintiff United States of America, by and through its counsel of record, and defendant, by and  
18 through defendant's counsel of record, hereby stipulate as follows:

- 19 1. By previous order, this matter was set for sentencing on January 23, 2024.
- 20 2. By this stipulation, defendant now moves to continue the sentencing until **June 4, 2024**,  
**at 09:00 a.m.**, and to exclude time between January 23, 2024, and June 4, 2024.
- 22 3. The parties agree and stipulate, and request that the Court find the following:
  - 23 a) The parties are not in a position to proceed to sentencing, and the probation  
officer needs additional time to prepare the pre-sentence report.
  - 25 b) Counsel for defendant believes that failure to grant the above-requested  
continuance would deny him/her the reasonable time necessary for effective preparation, taking  
into account the exercise of due diligence.
  - 28 c) The government does not object to the continuance.

1                   d)     Based on the above-stated findings, the ends of justice served by continuing the  
2 case as requested outweigh the interest of the public and the defendant in a trial within the  
3 original date prescribed by the Speedy Trial Act.

4                   e)     For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
5 et seq., within which trial must commence, the time period of January 23, 2024 to June 4, 2024,  
6 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]  
7 because it results from a continuance granted by the Court at defendant's request on the basis of  
8 the Court's finding that the ends of justice served by taking such action outweigh the best interest  
9 of the public and the defendant in a speedy trial.

10          4.     Nothing in this stipulation and order shall preclude a finding that other provisions of the  
11 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
12 must commence.

13                   IT IS SO STIPULATED.

14                   Dated: January 17, 2024

PHILLIP A. TALBERT  
United States Attorney

/s/ ROGER YANG  
ROGER YANG  
Assistant United States Attorney

19                   Dated: January 17, 2024

/s/ SHAWN SALEHIEH  
SHAWN SALEHIEH  
Counsel for Defendant  
Yan Chen

23                   **ORDER**

24                   IT IS SO FOUND AND ORDERED.

26                   Dated: January 17, 2024

/s/ John A. Mendez  
THE HONORABLE JOHN A. MENDEZ  
SENIOR UNITED STATES DISTRICT JUDGE